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 San Francisco, CA 94111  
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 Facsimile: (415) 986-8054  
  
 Attorneys for Plaintiff  
 3M COMPANY

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

3M COMPANY,	)	CASE NO. 21-cv-02338-SVK
	)	
Plaintiff,	)	Hon. Edward J. Davila
	)	
vs.	)	<b>SUPPLEMENTAL DECLARATION</b>
	)	<b>OF DOUGLAS SMURR IN</b>
UGLY JUICE, LLC, a California Limited Liability	)	<b>SUPPORT OF PLAINTIFF'S</b>
Company, dba GOOD USE; RDGIV Holdings LLC,	)	<b>MOTION FOR TEMPORARY</b>
an Alabama Limited Liability Company; GRANT	)	<b>RESTRAINING ORDER AND</b>
CARLSON, BLAIR BORTHWICK, SLAVA	)	<b>PRELIMINARY INJUNCTION</b>
CHUPRYNA, SABRINA CORPUS, and RALPH	)	
DEWAR GAINES,	)	
	)	
Defendants.	)	
	)	Hearing Date: April 22, 2021
	)	Hearing Time: 9:45AM
	)	Status Conference
	)	Location: Via Zoom Webinar Link
	)	

**SUPPLEMENTAL DECLARATION OF DOUGLAS SMURR**

I, Douglas Smurr, declare:

1. I am an attorney at law licensed to practice in the State of California. I am Of Counsel with Gordon Rees Scully Mansukhani, LLP, counsel of record for Plaintiff 3M, in the above-captioned case. I make this declaration in support of Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction.

2. I saved true and correct digital copies of emails I received from 3M on April 20,

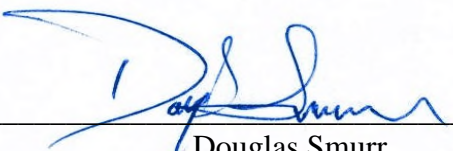
2021, advising me that 3M had just found and processed another fraud case involving Defendant Ugly Juice, LLC dba Good Use (“Ugly Juice”); Grant Carlson (“Carlson”); and Sabrina Corpus (“Corpus,” and each collectively referred to as the “Ugly Juice Defendants”), involving a health care provider in Shelbyville, Indiana (3M Case # 22604629). 3M Case # 22604629 involves counterfeit 3M-brand N95 respirators relating to known counterfeit lot numbers B20020 and B20522. The Ugly Juice Defendants charged \$4.10/unit and the two related invoices totaled \$12,792.00 with one invoice to be paid as late as January 7, 2021. Not only did this shipment of counterfeit 3M-brand N95 respirators involve lot Nos. B20020 and B20522, it also contained the known counterfeit “Peru Seal.” A true and correct copy of the email I received from 3M on April 20, 2021, as well as true and correct selected and redacted copies of the digital files I received via email from 3M are attached hereto as **Exhibit 1**.

3. In addition, I saved true and correct digital copies of emails I received from Defendant Dewar Gaines (“Gaines”) on April 21, 2021 after 3M affected legal service on Gaines at approximately 1:30pm (CST). True and correct copies of the emails we exchanged are attached hereto as **Exhibit 2**.

4. Pursuant to these emails along with a 17 minute telephone conversation between Gaines, Greg Lockwood (a partner at Gordon and Rees), and the undersigned on April 21, 2021, Gaines acknowledged that he is the owner of Defendant RDGIV Holdings LLC and that he agreed to work with 3M in good faith to swiftly and amicably resolve this matter. Gaines also advised us that he was in the process of seeking legal counsel and that he was dealing with family tragedy – both of which would prevent him from attending the 04-22-2021 hearing.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 21<sup>th</sup> day of April, 2021 in Sacramento, California.

  
\_\_\_\_\_  
Douglas Smurr

# EXHIBIT 1

**From:** Cheryl <ch @mmm.com>

**Sent:** Tuesday, April 20, 2021 11:13 AM

**To:** Eva <e @mmm.com>; Greg Lockwood <wglockwood@grsm.com>; Ken <k @mmm.com>

**Cc:** Heather Coffey <hcoffey@grsm.com>; Douglas Smurr <dsmurr@grsm.com>; Violaine Brunet <vbrunet@grsm.com>

**Subject:** RE: Ugly Juice Motion for TRO/PI

Hi Greg,

We found another SF Report for Ugly Juice in which counterfeit product sales have been confirmed. The file is too large to send via email, so Ken will be sending the documents to you shortly.

Thanks!

Cheryl



Name Mandy

Task ✓

Due Date 4/19/2021

Assigned To

Last Modified Date/Time 4/19/2021 1:55 PM

Comments Additional To:

CC:

BCC:

Attachment:

Subject: 3M Case # 22604629 ||

Body:

Hi Mandy,

Thank you for contacting the 3M COVID-19 Fraud Response Team. We have reviewed your submission and request that you provide some additional information such as:

- Seller name/City/State/Country

- Website link/ contact information of the seller if available.

- Information about their offers of 3M respirators: price and quantity.

-Email Thread

Thank you,

3M Covid-19 Fraud, Price Gouging and Counterfeit Product Response Team  
500 Bielenberg Drive, Bldg. 583-05-01  
Woodbury, MN 55125 | United States

1-800-426-8688

www.3M.com

Case Reference: ref:

----- Original Message -----

From: Mandy

Sent: 19/04/2021 10:18 AM

To: covidfraud@mmm.com

Subject: [EXTERNAL] Counterfeit N95 mask-Major Hospital

Hello,

Our facility has reason to believe we have purchased counterfeit 3M N95 masks. The lot #'s associated with this mask are B20020 and B20522. Can you please guide me in what I need to do to report this matter?

Thanks,

Mandy

**Good Use**

601 35th Avenue  
 San Francisco, CA 94121 US  
 +1 9516754697  
[sabrina@gooduse.com](mailto:sabrina@gooduse.com)  
[www.gooduse.com](http://www.gooduse.com)

**Invoice 25427****GOOD  
USE****BILL TO**

Mandy Lockridge  
 Major Hospital  
 2451 Intelliplex Dr.  
 Shelbyville, IN 46176  
 PO # 092841

**SHIP TO**

Mandy Lockridge  
 Major Hospital  
 2451 Intelliplex Dr.  
 Shelbyville, IN 46176

DATE

01/07/2021

PLEASE PAY

**\$7,872.00**

DUE DATE

01/07/2021

**ACTIVITY**

QTY

RATE

AMOUNT

**PPE:3M N95 1860S**

1,920

4.10

7,872.00

Size Small - 3M N95 1860S

We appreciate your business! If you have

If you have any comments or questions, email us at any  
 time at [support@gooduse.com](mailto:support@gooduse.com).

**TOTAL DUE****\$7,872.00**

THANK YOU.

**Good Use**

601 35th Avenue  
 San Francisco, CA 94121 US  
 +1 9516754697  
[sabrina@gooduse.com](mailto:sabrina@gooduse.com)  
[www.gooduse.com](http://www.gooduse.com)

**Invoice 25418****GOOD  
USE****BILL TO**

Mandy Lockridge  
 Major Hospital  
 2451 Intelliplex Dr.  
 Shelbyville, IN 46176  
 PO #092697

**SHIP TO**

Mandy Lockridge  
 Major Hospital  
 2451 Intelliplex Dr.  
 Shelbyville, IN 46176

DATE

12/22/2020

PLEASE PAY

**\$4,920.00**

DUE DATE

12/22/2020

**ACTIVITY**

QTY

RATE

AMOUNT

**PPE:3M N95 1860**

1,200

4.10

4,920.00

Size Regular - 3M N95 Mask Model #1860 - delivered on  
 12/04/2020

We appreciate your business! If you have

If you have any comments or questions, email us at any  
 time at [support@gooduse.com](mailto:support@gooduse.com).

**TOTAL DUE****\$4,920.00**

THANK YOU.





**3M**


1860


Health Care Particulate Respirator and Surgical Mask  
Respirateur contre les particules pour soins de santé et  
masque chirurgical  
Respirador para partículas y mascarilla quirúrgica para  
cuidado de la salud



 **IMPORTANT:** Before use, the wearer must read and understand the *User Instructions* inside. **Misuse may result in sickness or death.**  
**Not intended for individual resale.**

 **IMPORTANT:** L'utilisateur doit lire et comprendre les *directives d'utilisation* situées à l'intérieur de la boîte avant l'utilisation. **Une mauvaise utilisation peut provoquer des problèmes de santé ou la mort.**  
**Ce produit ne peut être vendu à l'unité.**

 **IMPORTANTE:** Antes de usar el producto, el usuario debe leer y entender las *Instrucciones* incluidas en el interior. **El mal uso puede ocasionar enfermedad o incluso la muerte.**  
**No está etiquetado para uso individual.**

20   
contenido 20 respiradores



**3M**

1860

**▲ WARNING**

This respirator helps protect against certain particulate contaminants but does not eliminate exposure to or the risk of contracting any disease or infection. **Misuse may result in sickness or death.** For proper use, see supervisor, or *User Instructions*, or call 3M Health Care Helpline at 1-800-228-3957. In Canada, call the 3M Health Care Helpline at 1-800-563-2921.

**▲ MISE EN GARDE**

Ce respirateur protège contre certaines particules contaminantes, mais n'élimine cependant pas le risque d'exposition à une maladie ou une infection ni de les contracter. **Une mauvaise utilisation peut provoquer des problèmes de santé ou la mort.** Pour tout renseignement sur l'utilisation adéquate de ce produit, consulter son superviseur, lire les *directives d'utilisation* ou communiquer, au Canada, avec le Centre de renseignements de la Division des produits de soins de santé de 3M au 1-800-563-2921.

**▲ ADVERTENCIA**

Este producto ayuda a proteger contra ciertos contaminantes suspendidos en el aire, pero no elimina la exposición o el riesgo de contraer alguna enfermedad o infección. **El mal uso puede ocasionar enfermedad o incluso la muerte.** Para su uso adecuado consulte a su supervisor, lea las *Instrucciones*, o llame a 3M en EUA al 1-800-228-3957. En Canadá llame al Servicio Técnico al 1-800-563-2921; en México llame al 55-52-700-400.

Made in U.S.A. with Globally Sourced Materials by

**3M Health Care**  
2510 Conway Ave.  
St. Paul, MN 55144  
1-800-228-3957

[www.3m.com/healthcare](http://www.3m.com/healthcare)

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**Storage Conditions and Shelf Life:** For storage conditions and use by date, read *User Instructions* inside.

Fabrique aux É.-U. avec des matériaux d'origines diverses.

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3M est une marque de commerce de 3M, utilisée sous licence au Canada.

**Conditions d'entreposage et durée de conservation :** Pour connaître les conditions d'entreposage et la date de péremption, consulter les directives d'utilisation fournies à l'intérieur de la boîte.

Hecho en EUA con materiales adquiridos globalmente.

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**Condiciones de almacenamiento y vida útil:** Para conocer las condiciones de almacenamiento y uso por fecha, lea las *Instrucciones* en el interior.

2020-01-20  
016 0000 1 752

-4°F  
-20°C

+86°F  
+30°C



LOT B20020

2025-01-19



(01)00707387419424(17)250119(10)B20020

# EXHIBIT 2

**From:** Douglas Smurr

**Sent:** Wednesday, April 21, 2021 3:11 PM

**To:** 'Dewar Gaines' <dewar.gaines87@gmail.com>

**Cc:** Cynthia Duffy <cduffy@grsm.com>; Veronica Whitaker <vwhitaker@grsm.com>; Greg Lockwood <wglockwood@grsm.com>

**Subject:** RE: 3M Vs. Ugly Juice - Regarding the 04-22-2021 Zoom Status Conference Hearing

Dewar:

Thank you for your email. I will advise the court of your situation in the declaration I will be filing with the court later this afternoon.

Once again, our thoughts are with you and your family.

Our best,

**DOUGLAS SMURR | OF COUNSEL**  
**Gordon Rees Scully Mansukhani**  
**YOUR 50 STATE PARTNER®**

**From:** Dewar Gaines <[dewar.gaines87@gmail.com](mailto:dewar.gaines87@gmail.com)>

**Sent:** Wednesday, April 21, 2021 2:50 PM

**To:** Douglas Smurr <[dsmurr@grsm.com](mailto:dsmurr@grsm.com)>

**Cc:** Cynthia Duffy <[cduffy@grsm.com](mailto:cduffy@grsm.com)>; Veronica Whitaker <[vwhitaker@grsm.com](mailto:vwhitaker@grsm.com)>

**Subject:** Re: 3M Vs. Ugly Juice

Mr. Smurr,

Thank-you for your time this afternoon. As we discussed, today at approximately 1:30 CST, a process server delivered my summons for the above referenced civil matter (3M vs. Ugly Juice). Unfortunately, due to the late arrival of these summons, coupled with a family tragedy, I won't be able to obtain legal counsel by tomorrow morning for the zoom hearing with Judge Davila. Please let it be known that my lack of representation is not a dereliction of responsibility, yet simply a symptom of time constraints and familial responsibility.

Furthermore, I want to reiterate that I am prepared to work alongside all parties involved to bring this matter to a swift and amicable resolution.

Thank you again for your quick response and your condolences.

Very Truly Yours,

Dewar Gaines  
205-767-9717



On Wed, Apr 21, 2021 at 3:05 PM Dewar Gaines <[dewar.gaines87@gmail.com](mailto:dewar.gaines87@gmail.com)> wrote:  
Mr. Smurr,

This email is a follow-up to the voicemail I left you regarding case 3:21-cv-02338, 3M vs. Ugly Juice. Please give me a call at your earliest convenience to discuss this matter, my personal cell phone number is below.

Best,

Dewar Gaines  
205-767-9717